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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
Yoshinori SHIBATA
Junichi MASUDA

Group Art Unit: 3723
Confirmation No.: 7865

Serial No.: 09/350,297
Filed: July 9, 1999

Examiner:
Maurina T. Rachuba

For: BATTERY POWERED TABLE SAWS

DECLARATION UNDER 37 CFR 1.132

Honorable Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Hisashi Higuchi, do hereby declare as follows:

I am an inventor of Design Patents Nos. 415,942 and 420,369, along with Yoshinori Shibata and Junichi Masuda.

Yoshinori Shibata, Junichi Masuda, and myself are all members of the Makita Developing Division, which is responsible for inventing new products for the Makita Corporation. Makita Developing Division received a written request from the Marketing Division for the development of a battery powered table saw.

Developing Division personnel subsequently conducted a meeting in order to study the request from the Marketing Division. As a result, the Developing Division decided to start the project for developing the battery powered table saw. At that time, the schedule of development was determined. Mr. Shibata (as team

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leader) and Mr. Masuda were appointed as the Developing Division personnel in charge of the project. The assignment of Mr. Shibata and Mr. Masuda was automatic due to the following reasons: the schedule to initially develop a battery powered non-slide type table saw, Mr. Shibata's then current responsibility as a team leader in developing table saws, and Mr. Masuda's then current responsibility in designing non-sliding type table saws. In particular, their jobs were directed primarily in determining a suitable arrangement of the battery with respect to the remainder of the table saw along with the incorporation of battery power to a table saw. Initially, a non-sliding type of table saw was to be designed.

Mr. Shibata and Mr. Masuda completed their jobs with regard to the non-sliding type of battery powered table saw (one of their conclusions was to position the battery at the rear portion of the handle). Mr. Shibata and Mr. Masuda developed a basic structural design of a battery driven table saw including a battery driven motor mounted on a saw unit for rotatably driving a saw blade, and a battery mounting device for mounting a battery onto the table saw (Application No. 09/350,296). I was not assigned to this project at this time.

I joined the project at the point where Mr. Shibata and Mr. Masuda had completed the basic design of a rear mounted battery powered table saw. I was then engaged to assist with completing the detailed design of a battery powered table saw with a sliding and non-sliding mechanism. Since the basic design work was completed at this time, I was focused on the unification of the design between the battery powered table saw without a sliding mechanism and a battery powered table saw with a sliding mechanism.

Since my work focused on the configuration, integration, and manufacturability of the inventive concept completed by Mr. Shibata and Mr. Masuda, I was listed as an inventor for both of the Design Patents ('942 and '369), but not as an inventor for the utility patent application. The patent application is more general than the Design applications and covers the main components of the inventive efforts of Mr. Shibata and Mr. Masuda. Mr. Shibata and Mr. Masuda developed the functional aspects of the utility patent application claimed in Application No. 09/350,296 and shown to some extent in Design Patents 415,942 and 420,369. My work resulted in finalizing many of the details of the overall design and as such, these details show up on the more specific Design patents.

I did not take part in the developing the subject matter of the invention as claimed in Application No. 09/350,297, including but not limited to mounting the battery to the handle near the switch to operate the motor, using the battery as a counter-weight to the saw unit, transmitting the rotation of the motor via a driving belt, incorporating a battery case, or mounting the battery to one of the auxiliary tables.

My work essentially involved determining the details of unifying the designs between the battery powered table saws with and without a sliding mechanism. Specifically, I assisted in designing the configuration of the handle around the battery mounting device, in particular, with respect to a suitable position and orientation of the battery relative to the handle, taking into account of the operability of the handle and the wiring from the battery to the motor.

I further declare that all statements made by me herein are true and all statements made on information and belief are believed to be true, and that these statements were made with the knowledge

that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of the application or any patent issued thereon.

April 7. 2005
Date

Hisashi Higuchi
Hisashi HIGUCHI

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